

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CCM TOURING LLC, <i>a New York limited</i>	:	
<i>liability corporation,</i>	:	
	:	
Plaintiff,	:	23-CV-7116 (VSB)
	:	
-against-	:	<u>ORDER</u>
	:	
MOONBUG ENTERTAINMENT LTD, <i>a</i>	:	
<i>London corporation,</i>	:	
	:	
Defendant.	:	
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VERNON S. BRODERICK, United States District Judge:

On September 20, 2024, Defendant filed an amended counterclaim pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). “[W]hen a [defendant] properly amends [a counterclaim] after a [plaintiff] has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended [counterclaim].” *Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020). Accordingly, it is hereby:

ORDERED that Plaintiff shall file a letter within seven (7) days deciding whether its motion to dismiss should be deemed moot without prejudice to refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3), or if I should evaluate Plaintiff’s current motion to dismiss in light of the facts alleged in the amended counterclaim.

SO ORDERED.

Dated: September 23, 2024
New York, New York


Vernon S. Broderick
United States District Judge